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EXAMINER

HEINCER, LIAM J

ART UNIT

PAPER NUMBER

1796

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### ***Response to Amendment***

The proposed claim amendments will not be entered as they would require further search and consideration. While the applicant is correct in noting that the limitation regarding the avoidance of stripping prior to the filtration step was previously addressed in the arguments of the final action, the limitation was only addressed in terms of its support in the original specification and the instant claims. As the step now prohibited was in fact positively claimed in the previous claims (claim 14), consideration of the negative limitation was not preformed previously. Additionally, it should be noted that the proposed language does not prohibit all stripping steps, only stripping steps for the express purpose of removing alcohol. Therefore, the stripping step of Schlosberg et al. directed at removing water would not be prohibited by the proposed language.

### ***Response to Arguments***

Applicants arguments directed towards the stripping prohibition are not being considered at this time as they would require new consideration.

Applicant's arguments filed February 20, 2009 have been fully considered but they are not persuasive, because:

Applicant's argument of unexpected results resulting from the use of activated carbon are not persuasive. The applicant has the burden of explaining the data they offer as evidence of unexpected results. See MPEP § 716.02(b). The applicant has not explained the relevance of any data, nor stated what data is being relied to show unexpected results. Therefore the applicant has not met their burden in showing unexpected results.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liam J. Heincer whose telephone number is 571-270-3297. The examiner can normally be reached on Monday thru Friday 7:30 to 5:00 EST.

Art Unit: 1796

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/

Supervisory Patent Examiner, Art Unit 1796

LJH

February 24, 2009